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| 10/684,552 | 10/14/2003 | Sophia Krasikov | YOR920030279US1 | 5614 |

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| EXAMINER | |
|---|---|
| WEI, ZHENG | |
| ART UNIT | PAPER NUMBER |
| 2192 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 02/20/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|---|---|---|---|
| **Office Action Summary** | **Application No.**<br>10/684,552 | **Applicant(s)**<br>KRASIKOV ET AL. | |
| | **Examiner**<br>Zheng Wei | **Art Unit**<br>2192 | |

***-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *14 October 2003*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-25* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-25* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *14 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. This office action is in response to the application filed on 10/14/2003.

2. Claims 1-25 are pending and have been examined.

### *Oath/Declaration*

3. The Office acknowledges receipt of a properly signed oath/declaration filed on January 24, 2004.

### *Priority*

4. The priority date considered for this application is October 14, 2003.

### *Information Disclosure Statement*

5. There is no information disclosure statements filed for this application file.

### *Drawings*

6. The drawings filed on October 14, 2003 are accepted by the Examiner.

### *Specification*

7. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. (see for example, p.2, lines 7-8, lines 29-

30 and p.3, line 2). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### *Claim Rejections - 35 USC § 112*

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 10-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 10: Applicant claims “at least one block of source code providing executable computer instructions” at page 16 lines 1-2. However, the “source code” itself cannot provide “executable computer instructions” without passing compilation and generating executable code phases as being well known in the art. The originally filed specification at page 5, lines 1-3, discloses the source code is a high level programming language code which need to be built to generate an executable unit. Therefore, it is not enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For the purpose of compact prosecution, the Examiner treats the "source code" as –high level programming language code and need to be compiled to provide executable computer instructions--.

Claims 11-13: Claims 11-13 are dependent claims of claim 10. Therefore they are also rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

### *Claim Rejections - 35 USC § 101*

10. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 10-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Claim 10**: Claim 10 claims a program code that is embodied on computer-readable media and comprised a block of source code and a documentation string. However, said program code does not appear to produce/perform any functions so as to satisfy the practical application requirement. Therefore, it is directed to nonfunctional descriptive material. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. See M.P.E.P. 2106.01 (I).

**Claims 11-13**: Claims 11 - 13 are dependent claims of claim 10. These claims all fail to remedy the 35 USC 101 nonstatutory problem of claim.10. Therefore, they are all not statutory. See M.P.E.P. 2106.01 (I).

## *Claim Rejections - 35 USC § 102*

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Crockett (Crockett et al., US 5,987,251).

**Claim 10:**

Crockett discloses a program code embodied on computer-readable media, the program code comprising:

- at least one block of source code providing executable computer instructions (see for example, Fig.5 step 52 "Pass JCL Instructors into Documentation Checker Tool" and related text); and
- at least one documentation string coupled to the source code, the documentation string including: a method indicia configured to identify the method where the documentation string is located; a target indicia configured to identify who the documentation string is targeted to; and a granularity

indicia configured to identify the what document documentation string should be a part of. (see for example, Fig.5, step 48, "Pass documentation format information to Documentation Checker Tool" and related text, also see col.5, line 10 – col.6, line 34, an example of an appropriate documentation format including target program name, time...).

**Claim 11:**

Crockett further discloses the program code of claim 10, wherein the documentation string further includes an identification indicia (Job Step Name), a timestamp (Submit time), and a sequence number (Device ID) (see for example, col.5, line 10 – col.6, line 34, an example of an appropriate documentation format including target program name, time and ID...).

**Claim 12:**

Crockett also discloses the program code of claim 10, wherein the documentation string further includes tag-based syntax (Element) to demarcate information (see for example, Fig.5, element 65, 68 and related text, also see col.5, line 10 – col.6, line 34, an example of an appropriate documentation format).

## *Claim Rejections - 35 USC § 103*

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 1-9 and 13-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett (Crockett et al., US 5,987,251) in view of WinZip (WinZip® Brief tutorial).

**Claim 1:**

Crockett discloses a method for creating a minimum executable unit, the method comprising:

- receiving at least one block of source code (see for example, Fig.5 step 52 "Pass JCL Instructors into Documentation Checker Tool" and related text);
- receiving at least one document element associated with the source code (see for example, step 56, "Pass documentation into Documentation Checker Tool" and related text);
- validating consistency between the source code and the document element (see for example, step 58, "Documentation Checker Tool Compares documentation dataset with job dataset" and related text);

But does not disclose following:

- building an executable unit, the executable unit being responsive to both the source code and the document element.

However, it is well known in the computer art that WinZip tool has a feature to generate the executable unit (self-extracting archive) (see for example, p.1, section "What is a Self-extracting Zip File?"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use WinZip's function to generate the executable unit (self-extracting archive file). One would have been motivated to do so to automatically extracted and easily deploy files in archive as suggested by WinZip (see for example, p.1, section "What are the advantages to Self-extracting Zip Files?")

**Claim 2:**

Crockett and WinZip disclose the method of claim 1, Crockett further discloses said method comprising receiving at least one external document for inclusion in the executable unit (see for example, Fig.5, step 48, "Pass documentation format information to Documentation Checker Tool" and related text).

**Claim 3:**

Crockett and WinZip disclose the method of claim 1, Crockett further discloses, wherein the document element includes tag-based syntax to demarcate information (see for example, Fig.5, step 50, "Documentation Checker Tool builds list of tags and text" and also see col.7, lines 40-45,"The documentation checker tool uses the documentation format information to locate elements within the documentation …").

**Claim 4:**

Crockett and WinZip disclose the method of claim 1, Crockett also discloses said method, further comprising demarcating a target audience of the document element (see for example, Fig.6, element 64, 68, "Element: Job Name, Job Step Name and Proc Step Name" and related text).

**Claim 5:**

Crockett and WinZip disclose the method of claim 1, but neither of them discloses said method further comprising providing a text editor configured to create the document element with tag-based syntax to demarcate information. However, it is well known in the computer art that such text based document element (text file) can be created by any kind of text based editor tool, e.g., those default edit tools: Vi. Emacs, Notepad or WordPad according to different OS platforms. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to create document element by using any kinds of text based editing tools.

**Claim 6:**

Crockett and WinZip disclose the method of claim 1. It is also well known in the computer that the executable unit (self-extracting file) can be extracted by itself and further extracting the document element from the unzipped files in such a way as to be readable as documentation. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to get the documents element by running executable unit.

**Claim 7:**

Crockett and WinZip disclose the method of claim 1, it is also well known in the computer art that text based file can be created, edited by text based editing tools. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to aggregate the Crockett's document element with other document elements to create a new document file.

**Claim 8:**

Crockett and WinZip disclose the method of claim 7. It is also well known in the computer art that the executable unit (self-extracting file) can be extracted by itself and further extracting the document element from the unzipped files. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to aggregate other document elements which are extracted from other executable units to create new document file more efficient.

**Claim 9:**

Crockett and WinZip disclose the method of claim 1, WinZip further discloses a feature of using encryption (see for example, p.7, section "Encrypting files") Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the encryption feature provide by WinZip to encrypt documentation file in Crockett to protect sensitive documents as suggested by WinZip (see for example, p.4, section "About encryption and encryption methods")

**Claim 13:**

Crockett discloses the method of claim 10, but does not disclose documentation string is encrypted. However, it is well known in the computer art that WinZip has a feature of using encryption (see for example, p.7, section "Encrypting files") Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the encryption feature provide by WinZip to encrypt documentation string in Crockett to protect sensitive documents as suggested by WinZip (see for example, p.4, section "About encryption and encryption methods")

**Claims 14-26:**

Claims 14-16 are system version for performing the claimed method as in claims 1 and 2 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above and certainly a computer system would need to run and/or practice such function steps disclosed by Crockett (see for example, col.19, lines 19-45, also see Fig.1 and related text) and WinZip. Thus, they also would have been obvious.

**Claims 17-25:**

Claims 17-25 are computer program products version of the claimed method, wherein all claimed limitation functions have been addressed in claims 1-9 above respectively. It is well known in the computer art that such method steps can be implemented as computer program and can be practiced and /or stored on a computer operable media. Thus, they also would have been obvious in view of Crockett and WinZip's teachings.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- Corrigan et al (US 4,860,203) discloses an apparatus and method for extracting documentation text from a source code program.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571) 270-1059. The examiner can normally be reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZW

TUAN DAM
SUPERVISORY PATENT EXAMINER